

# EXHIBIT

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TEXAS SECRETARY OF STATE

CARLOS H. CASCOS

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The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting

More about [Identification Requirements for Voting](#)

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## Election Advisory No. 2016-17

To: Election Officials

From: Keith Ingram, Director of Elections

Date: August 26, 2016

RE: Voter Identification Procedures

On August 10, 2016, a federal district court entered an [order \(PDF\)](#) changing the voter identification requirements for all elections held in Texas after August 10, 2016 until further notice. This advisory will explain the new procedure and provide answers to frequently asked questions.

### Summary of the Procedure

Voters who have obtained an **acceptable form of photo ID** for voting are still required to present it in order to vote in person in all Texas elections. However, the acceptable form of photo identification may be expired up to four years. (Please remember some IDs, including U.S. citizenship certificates, do not expire.)

#### These are the 7 forms of acceptable photo ID:

1. Texas driver license issued by the Texas Department of Public Safety (DPS)
2. Texas Election Identification Certificate issued by DPS
3. Texas personal identification card issued by DPS
4. Texas license to carry a handgun issued by DPS
5. United States military identification card containing the person's photograph
6. United States citizenship certificate containing the person's photograph
7. United States passport

Further, voters who have not been able to obtain one of the forms of acceptable photo ID, and have a reasonable impediment or difficulty to obtaining such identification, may present a **supporting form of identification** of the voter and execute a **Reasonable Impediment Declaration** (in [English \(PDF\)](#) or [Spanish \(PDF\)](#)), noting the voter's reasonable impediment or difficulty to obtaining an acceptable form of photo identification, stating that the voter is the same person who personally appeared at the polling place, and stating that the voter is casting a ballot while voting in-person.

#### These are the 7 forms of supporting ID:

1. Valid voter registration certificate
2. Certified birth certificate (must be an original)
3. Copy of or original current utility bill
4. Copy of or original bank statement
5. Copy of or original government check
6. Copy of or original paycheck
7. Copy of or original government document with your name and an address (original required if it contains a photograph)

Examples of government documents include driver's licenses from other states, ID cards issued by federally recognized Native American tribes, DPS Receipts (without a photo), expired voter registration certificates, and expired Texas DPS-issued driver

licenses or personal ID cards (over 4 years). Government documents do NOT include Social Security cards (no address), public college or university IDs without an address, state/federal employee ID cards without an address, or library cards without an address.

## Providing Information to Your Community

Our offices strongly encourages you to notify your local communities in the following manner:

1. Publish a press release in your local newspapers. You may use our templates ([English \(doc\)](#) and [Spanish \(doc\)](#)) to reach out to all of your local newspapers.
2. Using the online icon button image by copying and pasting this code into your site: `<a href="http://www.votetexas.gov/">  
</a>`, also providing a link to this page: <http://www.votetexas.gov/register-to-vote/need-id>.
3. Using social media to educate voters relating to identification requirements;
4. Using direct mail to educate voters relating to identification requirements.

## Training Polling Place Workers and Updated Procedures for County Election Officials

### Preparing the Polling Place

The election officials should be prepare the polling place as usual, however, they should be provided with updated versions of the following forms:

1. **Voter Information Poster (Form 7-7)**: This updated form should be posted in both [English \(PDF\)](#) and [Spanish \(PDF\)](#) in a prominent location at each polling place.
2. **Notice of Acceptable Identification Poster**: This updated form should be posted in both [English \(PDF\)](#) and [Spanish \(PDF\)](#) in a prominent location outside of each polling location (available in three sizes; 8.5x14 sizes are linked; other sizes are available [here](#)).

### Qualifying the Voter

1. The poll worker should ask the voter whether the voter has obtained one of the acceptable forms of photo ID, and if so, to present that acceptable form of photo ID.
  - o *If* the voter presents an acceptable form of photo ID, the poll worker should proceed to Step 2.
  - o *If* the voter states that they have obtained an acceptable form of photo ID, but they did not bring it to the polling place, the poll worker should explain that the voter may take one of two actions:
    1. The voter may leave the polling place and return with their acceptable form of photo ID. Once they return with their acceptable form of photo ID, the poll worker should proceed to Step 2.
    2. The voter may cast a provisional ballot, and “cure” by appearing at the county voter registrar’s office within 6 calendar days of election day and presenting an acceptable form of photo ID, or fill out a natural disaster affidavit because the voter’s acceptable photo ID is inaccessible due to certain natural disasters. If the voter casts a provisional ballot due to lack of acceptable photo ID, the procedures for casting a provisional ballot have not changed, but poll worker should provide to the voter an updated Notice to Provisional Voter (ID Voter) (Form 7-15c), available in [English \(PDF\)](#) and [Spanish \(PDF\)](#).
  - o *If* the voter states that they have not obtained an acceptable form of photo ID, the poll worker should ask the voter whether the voter has a reasonable impediment or difficulty to obtaining one of the acceptable forms of photo ID.
    1. *If* the voter says “yes”, explain to the voter that the voter can present a supporting form of ID and execute a **Reasonable Impediment Declaration** (in [English \(PDF\)](#) or [Spanish \(PDF\)](#))

**Note:** If the voter states that they have not obtained an acceptable form of photo ID, the poll worker should not question the voter as to why. The poll worker should simply state that if the voter has a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, they can show a supporting form of ID and execute a Reasonable Impediment Declaration.

**Note:** You may not question the reasonableness of the voter’s reasonable impediment or difficulty or the truth of the declaration. For example, if the voter checks “lack of transportation”, you may not challenge the voter’s access to a bus route or other means of transportation. A signed reasonable impediment declaration shall be rejected only upon conclusive evidence that the person completing the declaration is not the person in whose name the ballot is cast.

**Note:** Not being able to obtain an acceptable form of photo ID includes that the voter has not been able to obtain a *valid* form of acceptable photo identification. Accordingly, a voter with a lost, stolen, suspended, or expired more than four years, form of photo ID listed above could be considered to have not obtained one of the acceptable forms of photo ID for purposes of being eligible to execute a Reasonable Impediment Declaration.

The poll worker should provide the voter with a Reasonable Impediment Declaration, and ask the voter to complete the form by writing their name, indicating at least one reasonable impediment or difficulty to obtaining an acceptable form of photo ID, and signing and dating the declaration.

After the Declaration is completed by the voter, the voter should return the Declaration to the poll worker, and the poll worker should ask the voter to present one of the forms of supporting ID of the voter. The poll worker should indicate on the Declaration which supporting form of identification was presented, and proceed to Step 2.

2. *If* the voter says no, that the voter has not obtained an acceptable form of photo ID, and the voter does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID (***including if the voter has not brought a supporting form of ID to the polling place***), the voter should be offered a provisional ballot. The voter may “cure” by appearing at the county voter registrar’s office within 6 calendar days of election day and presenting an acceptable form of photo ID, or qualifying for one of the exemptions (disability, natural disaster, or religious objection to being photographed). If the voter casts a provisional ballot due to lack of acceptable photo ID, the procedures for casting a provisional ballot have not changed, but poll worker should provide to the voter an updated Notice to Provisional Voter (ID Voter) (Form 7-15c), available in [English\(PDF\)](#) and [Spanish \(PDF\)](#).

**Note:** A voter may only “cure” by showing an acceptable form of photo ID. A voter with a reasonable impediment or difficulty to obtaining an acceptable form of photo ID who did not bring a supporting form of ID to the polling place may **not** “cure” at the county voter registrar’s office by showing an acceptable form of supporting ID and executing a reasonable impediment declaration at the county voter registrar’s office. For voters who vote in person at the polling place, the reasonable impediment declaration process is an election day/early voting procedure **only, and there is no cure option involving execution of a reasonable impediment declaration or the presentation of supporting ID.**

- o Voters who do not present an acceptable form of photo ID (including, but not limited to, those with a reasonable impediment or difficulty to obtaining an acceptable form of photo ID who present a supporting form of ID and execute a Reasonable Impediment Declaration), should be provided with a copy of [revised Form 13-1 – Notice of Required Identification \(PDF\)](#).
2. The poll worker should confirm that the voter is on the official list of registered voters, by finding the voter’s name on the official list of registered voters. If the voter is not on the official list of registered voters, the poll worker should follow the procedure specified in Section 63.006, except that now, for voters who have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, and who execute a Reasonable Impediment Declaration and present a supporting form of ID, the supporting form of ID may also be used as the “acceptable voter ID” (referenced on Form 7-27) along with the voter’s voter registration certificate (and the supporting form of ID may also be the voter’s valid registration certificate).

**Note:** The Registrations Omissions List ([Form 7-27 \(PDF\)](#)) will not be updated at this time to reflect the August 10, 2016 Court Order referenced herein. The “acceptable voter ID” referred to in the definition of “Required documentation” on the instructions for that form now includes a “supporting form of ID” for voters who have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID and who execute a Reasonable Impediment Declaration and present a supporting form of ID.

3. The poll worker should fully compare the voter’s name as listed on the official list of registered voters to the voter’s name as it appear on present form of ID.

**Note:** This comparison should be done regardless of whether the voter presents an acceptable form of photo ID or presents a supporting form of ID while executing a Reasonable Impediment Declaration.

4. The poll worker should confirm that the voter’s address on the official list of registered voters is current by confirming that the voter has not moved.

**Note: The address on the voter’s presented ID (either an acceptable photo ID or a supporting ID) does not have to match the voter’s address on the official list of registered voters.**

5. The voter should sign the combination form/signature roster, and execute any required affidavits, such as the substantially similar name affidavit.

**Note:** The combination forms/signature rosters and instructions for the combination form will not be updated at this time to reflect the August 10, 2016 Court Order referenced herein, but the substantially similar name affidavit on the forms should be considered still valid notwithstanding that it references Section 63.0101 of the Texas Election Code.

6. The voter should complete the check-in proceed to voting a regular or provisional ballot as appropriate. **Voters who have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, who complete the Reasonable Impediment Declaration and present a supporting form of ID, are permitted to cast a regular ballot if they are otherwise qualified to vote a regular ballot.**

**Note: The Affidavit of Provisional Voter ([Form 7-15 \(PDF\)](#))** will not be updated at this time to reflect the August 10, 2016 Court Order referenced herein. The “other” box may be used for situations not explicitly covered on the form.

#### Receiving Mail Ballots

The procedure for the early voting clerk to receive ballot by mail will not change, except that the early voting clerk should use the updated version of the Hand Delivery Roster ([Form 5-11a \(PDF\)](#)) for accepting carrier envelopes delivered to the early voting clerk on election day, which now also permits voters who have not obtained an acceptable form of photo ID, and have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, delivering their ballots in this manner, to complete the Reasonable Impediment Declaration and present a form of supporting identification.

**Cure Period After the Election**

The voter registrar should use the following updated forms during the cure period.

**Cure list** ([Form 9-7 \(PDF\)](#))  
**Request for Disability Exemption** ([Form 13-6 \(PDF\)](#))  
**Temporary Exemption** ([Form 13-7 \(PDF\)](#))

**Additional Updated Forms**

The following forms (applicable to voters voting for the first time with an “ID Required” flag have also been updated to account for first time voters with a reasonable impediment or difficulty to obtaining an acceptable form of photo ID:

- **Form 5-22a:** Notice to Voter Who Must Provide Identification (For Voters Voting by Mail (in [English \(PDF\)](#) and [Spanish \(PDF\)](#))
- **Form 5-8 (PDF):** List of Voters Indicated as ID Voters

In addition, language has been updated on the Application for Presidential Ballot to exclude a reference to 63.0101 on the substantially similar name affidavit contained on that form. See [Form 5-31 \(PDF\)](#).

**Records Requirement**

All Reasonable Impediment Declarations should be scanned or photocopied and submitted to the Secretary of State not later than 30 days after the election.